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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

ENOCH ADAMS, JR., LEROY ADAMS,
ANDREW KOENIG, JERRY NORTON
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED

Defendant.

NANA REGIONAL CORPORATION and
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

JOINT MOTION FOR LEAVE
TO FILE FIRST AMENDED
SUPPLEMENTAL
REVISED COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF
AND CIVIL PENALTIES

Federal Water Pollution Control
Act, 33 U.S.C. §§ 1251 to 1287

As this court is aware, the parties have reached a settlement. In order to make clear to all concerned that the settlement extends to all claims that might be asserted for alleged violations of Teck Cominco's NPDES permits through to the date of settlement, the parties have agreed to allow the plaintiffs to amend their Supplemental Revised Complaint to assert additional claims as might be alleged for the period of July 1, 2007 (following the period encompassed by the

1 existing amended complaint) through May 13, 2008 (immediately prior to the date of settlement).
2 Teck Cominco and NANA dispute liability for the claims to be added by amendment, and all
3 defendants dispute that any penalty would be warranted if the claims were to proceed to trial. A
4 copy of the proposed amended complaint is lodged herewith. The parties intend to submit a
5 proposed consent decree to the court following its ruling on the instant motion.

6 Dated this 28th day of August 2008.

7 Respectfully submitted,

8 CENTER ON RACE, POVERTY
9 & THE ENVIRONMENT

10 /S/ Luke Cole

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Attorney for Northwest Arctic Borough

/S/ David S. Case (consent)

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August 2008, a true and correct copy of the foregoing Joint Motion for Leave to File First Amended Supplemental Revised Complaint, along with the Proposed First Amended Supplemental Revised Complaint, was served, via the Court's electronic mail distribution system, on the below identified counsel of record:

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